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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/712,467
Filing Date: November 13, 2003
Appellant(s): BLEIZEFFER ET AL.

Theodore D. Fay, Reg. No. 48,504
For Appellant

EXAMINER'S ANSWER

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 8, 2008 appealing from the Office action mailed April 5, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|--|-------------|----------|
| 6,650,433 | Keane et al | 11-2003 |
| 6,715,129 | Hind et al | 03-2004 |
| "Make Your Application | Scheinblum. | 03- 2002 |
| Strut"; http://articles.techrep ublic.com/5100-22-1027640.html | | |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 11-14, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Keane et al (US 6650433; Patent Issue Date: Nov 18, 2005; Patent Filing Date: April 25, 2000; hereafter Keane).

Claim 1:

Keane teaches a **method for presenting a step of a task, wherein the task includes a series of steps to be performed, the method comprising: identifying a current step within the series of steps;** (Fig 4 a-c → Keane teaches "a method for presenting a step of a task, wherein the task includes a series of steps to be performed " in that a

system with a graphical user interface with a process with steps. The current step is a highlighted step.)

retrieving a step component for the current step; (Fig 4 a-c → Keane teaches “retrieving a step component for the current step” in that the graphical user interface with a process with steps is presented. The current step is a highlighted step. The user can input the settings of the current step. Keane discloses “step component” in the following two manners. First, in Fig 4A, if the “orientation” is a step in the left frame, then the “business cards” is the step components in the right frame. Second, in Fig 4 B, if the “template” is a step, then the “category” is a step component. Hence, in two different ways, Keane discloses retrieving and presenting to the user step components of the current step that is selected by the user.)

and presenting the current step inline within the series of steps such that the step component is presented in context within the series of steps. (Fig 4 a-c → Keane teaches “presenting the current step inline within the series of steps such that the step component is presented in context within the series of steps” a system with a graphical user interface with a process with steps. The current step is a highlighted step within a series of other steps.)

Claim 2:

Keane discloses a method wherein identifying a current step within the series of steps (Fig 4 a-c → Keane teaches “ a method wherein identifying a current step within the series of steps” in that a graphical user interface with a process with steps is presented with the current step as a highlighted step.)

receiving a request from a client. (Fig 1A and col 13, lines 59-65 → Keane discloses "receiving a request from a client" in that a GUI communicates on a network with a communication protocol using HTML components.)

Claim 3:

Keane discloses a method that identifies a user selection of the current step within the series of steps. (Fig 4 a-c → Keane teaches a system with " a method that identifies a user selection of the current step within the series of steps " in that the graphical user interface with a process with steps is presented. The current step is a highlighted step.)

a request from a client. (Fig 1A and col 13, lines 59-65 → Keane discloses a system with "a request from a client" in that the GUI communicates on a network with a communication protocol using HTML components.)

Claim 4:

Keane discloses a method wherein the request is a HyperText Transfer Protocol. (Fig 1A and col 13, lines 59-65 → Keane discloses a system with "a method wherein the request is a HyperText Transfer Protocol" in that the GUI communicates on a network with a communication protocol using HTML components.)

Claim 11:

Claim 11 corresponds with claim 1.

Claim 12:

Claim 12 corresponds to claim 2.

Claim 13:

Claim 13 corresponds to claim 3.

Claim 14:

Claim 14 corresponds to claim 4.

Claim 24:

Claim 24 corresponds with claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- a. Determining the scope and contents of the prior art.
- b. Ascertaining the differences between the prior art and the claims at issue.
- c. Resolving the level of ordinary skill in the pertinent art.
- d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-6, 8-10, 15-16, 18-21, and 23 are rejected under 35 U.S.C. 103(a) as being obvious over Keane et al (US 6650433; Patent Issue Date: Nov 18, 2005; Patent Filing Date: April 25, 2000; hereafter Keane) in view of Hind et al (US 6715129; Patent Issue Date: Mar 30, 2004; Patent Filing Date: Oct 13, 1999; hereafter Hind).

Claim 5:

Keane teaches the limitations of claim 1.

Keane discloses **a method presenting current step inline with a series of steps** (Fig 4 a-c → Keane teaches “ **a method presenting current step inline with a series of steps** ” in that the graphical user interface has a process with steps. The current step is a highlighted step within a series of other steps.)

Keane also discloses **Java** . (Col 13, lines 1-5 → Keane discloses a system which utilizes a Javascript.)

Keane does not appear to explicitly disclose **a method using a Java Server Page**.

However, Hind discloses **a method presenting a Java Server Page**. (Abstract → Hind discloses a system that Java Server Pages.)

Keane and Hind are both analogous art because they are from the same field of endeavor of graphical user interface applications using Java.

Art Unit: 2176

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keane and Hind before him or her, to modify the GUI that identifies a current step within the series of steps to include communication with a client and server because it allows tasks to be listed and oriented in a network system with an universal web based language like Java, as disclosed by Keane, with a Java Server Page, as disclosed by Hind.

Since Keane discloses a GUI programmed with Java and Hind discloses a GUI programmed with Java Server Page (JavaScript), the motivation for doing so would have been to allow a user interface with inline representation of steps in a multi-stepped process in conjunction with a network system to be programmed with a universal language like Java. For example, in Col 13, lines 1-5, Keane discloses a system which utilizes JavaScript. JavaScript is a type of language that is used on the Web. Hind discloses Java Server Pages (Abstract). A Java Server Page includes servlets, or programs, written in Java that allows itself to be easily added to the server. Hence, servlets can be used to dynamically generate the content, or portions of content, for a requested Web Page (Col 1, lines 32-56). Hence, the system, as disclosed by Keane, can easily be implemented as a servlet or Java Server Page environment, as disclosed Hind.

Therefore, it would have been obvious to combine Hind with Keane to obtain the invention as specified in the instant claim.

Claim 6:

Keane and Hind discloses the limitations of claim 5.

Keane discloses *a method of retrieving a step component for the current step includes retrieving the step component using a Tiles framework* (Fig 4a-c →

Keane teaches discloses "*a method of retrieving a step component for the current step includes retrieving the step component using a Tiles framework*" in that the graphical user interface has sets of general categories of the process broken down into steps. The categories, steps, and user input are presented in frames and tiles. The GUI presented in figure 4a-c shows components and subcomponents within a larger page of components.)

Claim 8:

Keane and Hind discloses the limitations of claim 5.

Keane discloses *a method wherein the response page includes a navigation tile, wherein the navigation tile presents a plurality of tasks* (Fig 4a-c → Keane teaches "*a method wherein the response page includes a navigation tile, wherein the navigation tile presents a plurality of tasks*" in that graphical user interface has sets of general categories of the process broken down into steps. The categories, steps, and user input are presented in frames and tiles. The GUI presented in figure 4a-c shows components and subcomponents within a larger page of components as well as navigation using the back and next buttons for tasks and steps in the process.)

Claim 9:

Keane and Hind discloses the limitations of claim 5.

Keane discloses *a method of identifying a current task within the plurality of tasks; retrieving a task tile for the current task; and presenting the task tile as a series of steps* (Fig 4 a-c → Keane teaches "*a method of identifying a current task within the plurality of tasks; retrieving a task tile for the current task; and presenting the task tile as a series of steps*" in that the graphical user interface has a process with steps. The current step is a highlighted step. The user can input the settings of the current step.

The categories, steps, and user input are presented in frames and tiles. The GUI presented in figure 4a-c shows components and subcomponents within a larger page of components)

Claim 10:

Keane and Hind discloses the limitations of claim 5.

Keane discloses **a method of identifying a current step within the series of steps** (Fig 4 a-c → Keane teaches a “*method of identifying a current step within the series of steps*” in that the graphical user interface has a process with steps. The current step is a highlighted step.)

Keane also discloses **sending the response page to the client**. (Fig 1A and col 13, lines 59-65 → Keane discloses “*sending the response page to the client*” in that the GUI communicates on a network with a communication protocol using HTML components.)

Claim 15:

Claim 15 corresponds to claim 5.

Claim 16:

Claim 16 corresponds to claim 6.

Claim 18:

Claim 18 corresponds to claim 8.

Claim 19:

Claim 19 corresponds to claim 9.

Claim 20:

Claim 20 corresponds to claim 10.

Claim 21:

Keane discloses a **server** (Fig 1a → Keane discloses a system that uses a web server.)

for presenting a step of a task, wherein the task includes a series of steps to be performed, (Fig 4 a-c → Keane teaches "for presenting a step of a task, wherein the task includes a series of steps to be performed " in that the graphical user interface with a process with steps. The current step is a highlighted step.)

the method comprising: a controller, wherein the controller receives a request from a client, (Fig 1A and col 13, lines 59-65 → Keane discloses a " a controller, wherein the controller receives a request from a client" in that the GUI communicates on a network with a communication protocol using HTML components.)

wherein the request identifies a current step within the series of steps, (Fig 4 a-c → Keane teaches "wherein the request identifies a current step within the series of

steps " in that the graphical user interface shows a process with steps. The current step is a highlighted step.)

and wherein the controller retrieves a step component for the current step; (Fig 4 a-c → Keane teaches "the controller retrieves a step component for the current step "in that the graphical user interface shows a process with steps. The current step is a highlighted step. The user can input the settings of the current step.)

and a server page that builds a **response page**. (Fig 1A and col 13, lines 59-65 → Keane discloses "response page " in that the GUI communicates on a network with a communication protocol using HTML components. It is well-known in the art for the server to respond to a client using a page.)

and wherein the response page presents the current step inline within the series of steps such that the step component is presented in context within the series of steps. (Fig 4 a-c → Keane teaches "the response page presents the current step inline within the series of steps such that the step component is presented in context within the series of steps "in that graphical user interface shows a process with steps. The current step is a highlighted step within a series of other steps.)

Keane also discloses **Java**. (Col 13, lines 1-5 → Keane discloses a system which utilizes a Javascript.)

Keane does not explicitly disclose a server page that is a **Java Server Page**.

However, Hind discloses a **Java Server Page**. (Abstract → Hind discloses a system that has a Java Server Page. It is typical for a server page to have a respond page for a client request.)

Keane and Hind are both analogous art because they are from the same field of endeavor of graphical user interface applications using Java.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keane and Hind before him or her, to modify the GUI that identifies a current step within the series of steps to include communication with a client and server because it allows tasks to be listed and oriented in a network system with an universal web based language like Java, as disclosed by Keane, with a Java Server Page, as disclosed by Hind.

Since Keane discloses a GUI programmed with Java and Hind discloses a GUI programmed with Java Server Page (JavaScript), the motivation for doing so would have been to allow a user interface with inline representation of steps in a multi-stepped process in conjunction with a network system to be programmed with a universal language like Java. For example, in Col 13, lines 1-5, Keane discloses a system which utilizes JavaScript. JavaScript is a type of language that is used on the Web. Hind discloses Java Server Pages (Abstract). A Java Server Page includes servlets, or programs, written in Java that allows itself to be easily added to the server. Hence, servlets can be used to dynamically generate the content, or portions of content, for a requested Web Page (Col 1, lines 32-56). Hence, the system, as disclosed by Keane, can easily be implemented as a servlet or Java Server Page environment, as disclosed Hind.

Therefore, it would have been obvious to combine Hind with Keane to obtain the invention as specified in the instant claim.

Claim 23:

Claim 23 corresponds to claim 6.

Claims 7,17, and 22 are rejected under 35 U.S.C. 103(a) as being obvious over Keane et al (US 6650433; Patent Issue Date: Nov 18, 2005; Patent Filing Date: April 25, 2000; hereafter Keane) in view of Hind et al (US 6715129; Patent Issue Date: Mar 30, 2004; Patent Filing Date: Oct 13, 1999; hereafter Hind) in further view of Scheinblum ("Make Your Applications Strut"; Copyright Date: March 5, 2002.

<http://articles.techrepublic.com.com/5100-22-1027640.html>; hereafter Schein').

Claim 7:

Keane and Hind disclose the limitations of claim 5.

Keane discloses building a response page (Fig 1A and col 13, lines 59-65 → Keane discloses "response page " in that the GUI communicates on a network with a communication protocol using HTML components. It is well-known in the art for the server to respond to a client using a page.)

and the use of Java. (Col 13, lines 1-5 → Keane discloses a system which utilizes a Javascript.)

Keane and Hind does not appear to explicitly disclose **a method wherein building the response page using a Struts framework.**

However, Schein' discloses **a method presenting a Struts Framework.** (pg U-1, 1st paragraph → Schein' discloses a Struts Framework technology.)

Keane, Hind, and Schein' are analogous art because they are from the same field of endeavor of graphical user interface applications using Java.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keane and Hind before him or her, to modify the GUI that identifies a current step within the series of steps to include communication with a client and server because it allows tasks to be listed and oriented in a network system with an universal web based language like Java, as disclosed by Keane, with a Java Server Page, as disclosed by Hind, and with Java based Struts framework, as disclosed by Schein'.

Since Keane discloses a GUI programmed with Java and Hind discloses a GUI programmed with Java Server Page (JavaScript), the motivation for doing so would have been to allow a user interface with inline representation of steps in a multi-stepped process in conjunction with a network system to be programmed with a universal language like Java. For example, in Col 13, lines 1-5, Keane discloses a system which utilizes JavaScript. JavaScript is a type of language that is used on the Web. Hind discloses Java Server Pages (Abstract). A Java Server Page includes servlets, or programs, written in Java that allows itself to be easily added to the server. Hence, servlets can be used to dynamically generate the content, or portions of content, for a requested Web Page (Col 1, lines 32-56). Hence, the system, as disclosed by Keane, can easily be implemented as a servlet or Java Server Page environment, as disclosed Hind.

Therefore, it would have been obvious to combine Hind and Schein' with Keane to obtain the invention as specified in the instant claim.

Claim 17:

Claim 17 corresponds to claim 7.

Claim 22:

Claim 22 corresponds to claim 7.

(10) Response to Argument

Ground No. 1 – Keane does not disclose the limitations of Claim 1 (Claims 1-4, 11-14, and 24):

The appellant argues that Keane does not disclose (i) "retrieving a step component for the current step" and (ii) "presenting the current step inline within the series of steps such that the step component is presented in the context within the series of steps."

The examiner disagrees.

(i) Keane discloses "retrieving a step component for the current step" in that the process portrays the appropriate GUI components for the step selected. (Note: Fig 7 of the application discloses a flow chart for the algorithm of the proposed invention which has Item 720 as "Retrieve Step Tile for Current Step.") Similarly, Keane discloses "step component" in the following two manners. First, in Fig 4A, if the "orientation" is a step in the left frame, then the "business cards" is the step components in the right frame. In Fig 4 B, If the "template" is a step, then the "category" is a step component. Hence, in

two different ways, Keane discloses retrieving and presenting to the user step components of the current step that is selected by the user. Thus, the "retrieving a step component for the current step" is functionally equivalent to retrieving a sub-step(s) or sub-process of a currently selected step or process.

(ii) Keane also discloses "presenting the current step inline within the series of steps such that the step component is presented in the context within the series of steps" in that in Figs 4A and 4B, the left frame includes "Orientation" and the "Template" icons that are in line and in series (2nd and 3rd on the list respectively) with the icons that portray a process. The "step components" are in the right frame in Fig 4A and are indented in the left frame in Fig 4B, displaying the GUI components of the selected step that are showing segmented parts of a process. Hence, as presented, Keane discloses "the step component is presented in the context within the series of steps." The appellant does not claim that the step component is inline with the series of steps, and the appellant does not claim that the step component is editable.

Ground No. 2 – Keane in view of Hind does not disclose the limitations of Claims

5, 6, 8-10, 15, 16, 18-21, and 23:

The appellant argues that Keane in view of Hind does not disclose (i) the limitations of Claim 1 and (ii) the prior arts can not be combined due to a lack of *prima facie*.

The examiner disagrees.

(i) Keane discloses the limitations of Claim 1. Please see "Response to Arguments - Ground No. 1" above.

(ii) Both Keane and Hind can be combined because they are both analogous art. For example, in Col 13, lines 1-5, Keane discloses a system which utilizes JavaScript. JavaScript is a type of language that is used on the Web. Hind discloses Java Server Pages (Abstract). Hind discloses a method that transcodes a Web Page. Transcoding translates the Web Page from one language, such as Java, to another language, such as XML before transmitting it from a server to a client (Col 1 lines 18-30). Moreover, Hind also discloses a Java Server Page includes servlets, or programs, written in Java that allows itself to be easily added to the server. Hence, servlets can be used to dynamically generate the content, or portions of content, for a requested Web Page (Col 1, lines 32-56). Hence, *prima facie* is established and the system, as disclosed by Keane, can easily be implemented as a servlet or Java Server Page environment, as disclosed Hind.

Ground No. 3 – Keane in view of Hind in further view of Scheinblum does not disclose the limitations of Claims 7, 17, and 22:

The appellant argues that Keane in view of Hind does not disclose (i) the limitations of Claim 1 and (ii) the prior arts can not be combined due to a lack of *prima facie*.

The examiner disagrees.

(i) Keane discloses the limitations of Claim 1. Please see "Response to Arguments - Ground No. 1" above.

(ii) Keane, Hind, and Scheinblum can be combined because they are both analogous art. For example, in Col 13, lines 1-5, Keane discloses a system which utilizes JavaScript. JavaScript is a type of language that is used on the Web. Hind discloses Java Server Pages (Abstract). Hind discloses a method that transcodes a Web Page. Transcoding translates the Web Page from one language, such as Java, to another language, such as XML before transmitting it from a server to a client (Col 1 lines 18-30). Moreover, Hind also discloses a Java Server Page includes servlets, or programs, written in Java that allows itself to be easily added to the server. Hence, servlets can be used to dynamically generate the content, or portions of content, for a requested Web Page (Col 1, lines 32-56). Scheinblum discloses a Java-based frameworks or Struts on a web page that implements tiles and frames on a web page. Hence, *prima facie* is established and the system, as disclosed by Keane, can easily be implemented as a servlet or Java Server Page environment, as disclosed Hind, and with Java based strut and frame-work system on a web page.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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